

HOUSE BILL 1136

By Moore

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to voting.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-6-201, is amended by deleting the section in its entirety and by substituting instead the following language:

2-6-201.

(a) A registered voter may vote absentee by mail by completing an application to vote absentee by mail at the voter's county election commission office or complete an absentee by-mail application; provided, that if applicable, such voter satisfies the requirements of § 2-2-115(b)(7). In order for the absentee application to be processed, the voter must comply with the provisions of § 2-6-202.

(b) The county election commission shall establish a permanent absentee voting register for any person who is unable to appear at either the commission office or at the person's polling place for the purpose of voting because of sickness, hospitalization, physical disability, or because the person is a full-time resident of any licensed nursing home, home for the aged or similar licensed institution providing relatively permanent domiciliary care, other than a penal institution, outside the voter's county of residence. To be eligible for placement on the register, a voter shall file a statement by the person's licensed physician with the county election commission stating, under the penalty of perjury, that in the physician's professional medical judgment, the patient (voter) is medically unable to appear at the polling place to vote and is medically unable to go to the commission office for the purpose of early voting. The voter shall file the physician's statement and the application not less than seven (7) days before the election. The

administrator of elections shall attach the physician's statement to the voter's permanent registration record. Without any further request, the administrator shall send to each person placed on the permanent absentee voting register an application for an absentee ballot for each election in which the person may vote.

SECTION 2. Tennessee Code Annotated, Section 2-6-202, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a)

(1) A voter who desires to vote absentee shall request an absentee ballot from the county election commission office not more than ninety (90) and not later than seven (7) days before the election;

(2) A voter may make the request or submit an application to vote by mail, facsimile machine, or e-mail with an attached document that includes a scanned signature. For a voter to use a facsimile transmission, an election commission shall have a facsimile machine physically located in the election commission office, provided that nothing in this subdivision shall be construed to require a county election commission to purchase or obtain a facsimile machine. The request shall be in writing over the voter's signature. The request serves as an application for a ballot if the request contains the following information:

(A) The name of the registered voter;

(B) The address of the voter's residence;

(C) The voter's social security number;

(D) The address to mail the ballot; and

(E) The election in which the voter wishes to participate.

SECTION 3. Tennessee Code Annotated, Section 2-6-401(c), is amended by deleting the language "or that category of persons otherwise."

SECTION 4. Tennessee Code Annotated, Section 2-3-109(e)(2), is amended by deleting subdivision (B) in its entirety.

SECTION 5. This act shall take effect July 1, 2011, the public welfare requiring it.